



STORY

# For Years, Nome Sexual Assault Reports Go Unanswered

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BY VICTORIA MCKENZIE



In this Jan. 14, 2019 photo, Clarice "Bun" Hardy stands on the beach with her dog, Marley, in the Native Village of Shaktoolik, Alaska. Hardy, a former 911 dispatcher for the Nome Police Department, says she moved back to her village after a sexual assault left her feeling unsafe in Nome. Image by Wong Maye-E. United States, 2019.

Clarice Hardy opens the door to her mother's bright-red house in Shaktoolik, Alaska, just yards from Norton Sound, a bay in the Bering Strait. She enters a warm, open kitchen and a living area with large sofas against the back walls. The sun is starting its low arc over the sea. Hardy is Inupiaq. Everyone here knows her as 'Bun'.

"I call this my mom's 'Wall of Bun,'" she said as she points to an array of photos and mementos. "That's me my senior year. We went to State and we played Wainright for the championships and lost by three points. We played three games at State and within those three games I scored 93 points"

This house and the history inside is a sanctuary for Hardy. She moved back to Shaktoolik last December because she said she no longer felt safe in Nome.

"Here in Shaktoolik we're a pretty tight-knit family, one big family," she said. Part of the reason why I came back, too, is to heal for myself, to be at the roots of where I started. If I'm going to start over, this is where I want to start."

Hardy says she needed to start over after a series of injustices at the hands of the people entrusted to protect her and other Nome residents. The criminal justice system, her work colleagues, her union and even those she thought were close friends, all betrayed her.

"I went from being a very active person, going to every community event, helping out, volunteering, to being scared to be in public," she said.

Hardy is just one of the few women to speak publicly about her alleged sexual assault. But she is one of many women in Nome who reported sexual assault and found their cases stalled, dropped, or never investigated in the first place. Together, the police department and city officials made up a system of neglect and incompetence that has left countless women and girls feeling isolated and traumatized. Some are hospitalized over worries they will harm themselves. Each points to the assault and the inaction that followed as the source of continuing duress.

In Nome, community outrage has forced city and police leaders from office and new leaders promise a new era of trust and transparency. But the promise of reform faces a skeptical public, especially among Nome's Alaska Native residents who say they encounter indifference from an overwhelmingly non-Native power structure.

“The guy that drugged me and raped me, and his girlfriend and her friend that broke into my apartment and assaulted me later, are still walking the streets,” Hardy said.



Deidre Levi carries her basketball as she walks to work in St. Michael, Alaska. Levi says she spoke up about being sexually assaulted because she wanted to be a role model for girls in Alaska. Image by Wong Maye-E. United States, 2019.

Hardy was a 911 dispatcher for the Nome Police Department. One morning in March 2017, after a night out with some friends, she woke up to her work colleague banging on her front door. She had overslept and was late for work. She

was naked from the waist down, her head was splitting, she was achy and bruised. She didn't remember getting home the night before.

In the following days, other people filled in the missing details, including multiple reports from people who saw a video and photos on Snapchat of a man who seemed to be sexually assaulting her while she was unconscious.

One of those people was Tomas Paniaataq, at the time a Nome Community Services Officer.

“From what I saw it looked like Bun was completely passed out with her face down...honestly, it looked like she was sleeping,” Paniaataq said. “And (name withheld) was on top of her having sex with her.”

It took a day or two for Hardy to realize she needed to file a police report. She turned to her friend, Nome Police Lt. Nick Harvey, who worked in the same building. She gave him her account and a list of witnesses—including those who said they saw the Snapchat video and pictures. She said he told her he was going to talk to the witnesses and collect evidence.

“Big relief off my part, knowing something's going to happen, you know,” Hardy said.

But as the months passed, Hardy said it became clear the lieutenant had not investigated the allegations or interviewed witnesses, some of whom were friends of hers. She said the alleged sexual assault and the subsequent inaction by authorities started to take a heavy emotional toll.

“I started drinking every day, to where I needed it,” Hardy said. “Soon as I would wake up, that was the first thing I would look for, was something to drink just to numb myself. I've never dealt with what I call trauma. I didn't know how to deal with it. I felt so alone.”

At work a year after her alleged assault, Hardy answered an emergency call. On the other end of the phone was the voice of the man she accuses of rape. He needed help with an emergency. And she did help him. But Hardy had a strong reaction hearing his voice. As soon as she hung up the phone, she remembers

breaking down in tears. She went to the Nome police chief and told him about her situation. He seemed surprised, she said, and asked her to re-write her complaint because they couldn't find any original police report. Hardy says the police chief told her he was forwarding her case to the Alaska State Troopers (AST) to investigate, and that she should hear back from them in a week.

“So another big relief, like okay, something is going to happen, thinking that I'll finally get somewhere,” she said. “The rest of March passed, April passed. Half of May, gone. Still no word from AST.”

Hardy finally called the state troopers' office in Nome. She said they told her they never received any report of her assault allegation from Nome police.

“It was still sitting on (the police chief's) desk when he called me in, saying ‘You called AST?’ Like, he was mad that I did it. He was furious. Even his voice was shaky.”

Hardy kept going up the chain of command. She reported to the department's human resources representative, the regional union manager and, eventually, Alaska's Office of Victims Rights. She said that only angered the police chief—her boss—even more.

Shortly afterward, she got a personal visit at work from Harvey, the police lieutenant who originally took her complaint. He had just been in a meeting with a group of other Alaska Native sexual assault survivors who, by this point, had organized and were bringing their concerns about the lack of police enforcement to the attention of city officials.

“He knows that I talked to chief, I talked to the union, I'm talking to Alaska State troopers,” Hardy remembers. “He knows everything. All I remember is him just wiggling his leg, looking at me. And I was like, ‘well, L-T...‘what's going on?’ And he was, like, ‘oh, I just got done dealing with those f\*\*ing c\*\*ts.’

“I turned around and I just started crying, because I know he's referring to me. I haven't gone back to work. That was my last day.”

Hardy again talked to human resources. She was put on administrative leave, then medical leave. The city eventually fired her. The lieutenant remained on the force.

National Native News reached out to Nick Harvey for comment. He declined to be interviewed for this story. As of March 15th, he is no longer employed by the Nome Police Department

Seventeen months after Hardy first reported her assault to the NPD, she followed up with the District Attorney's office, two blocks down from the State Trooper headquarters. They never received a report, and didn't even know about her case. The region's lead prosecutor decided not to pursue the case, telling Hardy that he didn't have enough evidence that a crime occurred. By then, the photos and video had disappeared. She wrote to the Alaska Office of Victims' Rights, but she says she never received a response.

Hardy finally spoke out publicly at a town hall meeting in Nome organized by the group of citizens frustrated by the lack of police enforcement of sexual assaults and other violence. Her willingness to speak openly about something so personal and traumatizing inspired others to also come forward.

Twenty-two-year-old Deidre Levi is a basketball coach. She's Yup'ik from the Native Village of St. Michael. She said she also reported an assault to Nick Harvey last August. She was at the Nome hospital for a sexual assault exam when he came to interview her.

Levi said Harvey insisted on getting a Glass warrant—a court authorization to secretly record a conversation with accused assailants to see if they might implicate themselves in some way. In Alaska, these recordings are a tool favored by prosecutors and police when investigating sex crimes. It's usually the very first thing that Nome's district attorney asks for when he learns of a sexual assault report. Most often, it's the victim who has to face the accused perpetrator on the phone.

“I was very angry because nothing had happened, since my only option was to get a glass warrant,” Levi said. “It was me and my mom and my mom's best friend. We were very consistent about the Glass warrant, which never happened. “At my

perpetrator is trying to get in contact with me. He was asking my friends for my number.”

Harvey warned the family not to get a restraining order, said Levi’s mother, Priscilla Washington.

“I flew to Nome. I saw my daughter and then I went to the cops,” Washington said. “I went to Harvey and asked him what’s going on and he said it’s just accusations right now. I spoke to him three times and he just said it’s an ongoing investigation. I asked him if I could do the Glass warrant and he kept saying, ‘No I have to type it up first.’ They just said we’re still working on it. Then I called two weeks later, asked if I could do it and they said they’d let me know. And they never called back.”

Levi got frustrated and took her story public on social media.

Another woman, Susie, also lives in a village only accessible by air. She’s Alaska Native, and doesn’t want to use her last name because she is afraid her perpetrator will retaliate. She was moved to talk after reading Hardy’s and Levi’s accounts in the newspaper.

She reported her rape to Nick Harvey and another officer in 2013. She waited days in Nome for the Glass warrant, but eventually had to go back home. She called the police over and over for the next two months until she said she eventually gave up. She was too scared to tell anyone else what happened to her. She learned her accused rapist told police the encounter was consensual. Court records show he was convicted of three assaults before Susie’s rape accusation. She still travels to Nome for medical appointments, but going there causes severe anxiety because she’s afraid of encountering the man she reported.

Nome’s lead forensic nurse told National Native News that in 2017 she was shocked to find that police were still weeding out possible victims in the field, without even bringing them to the hospital.

For every person like Hardy, Levi and Susie willing to talk openly about their struggle, there are many more afraid to talk or not willing to risk further trauma or retaliation. At least eight women talked to National Native News, saying they reported assaults to the Nome police. None ever learned what happened to their cases, much less why they never made it to court.

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